

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden Vicinage)**

BMW AUTO SALES, INC.,

Plaintiff,

v.

RED WOLF LOGISTICS, LLC; JOHN DOE(S)
(1-10); ABC BUSINESS ENTITIES (1-10)
(fictitious names),

Defendant(s)/Third Party Plaintiff(s),

v.

JHD TRUCKING, LLC; JOHN DOE(S) (1-10);
ABC CORP(S) (1-10) (fictitious names),

Third Party Defendant(s).

Civil Action No.:

NOTICE OF PETITION FOR REMOVAL FROM STATE COURT TO FEDERAL COURT

TO:

Joseph D. Lento, Esquire
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Attorneys for Plaintiff – BMW Auto Sales, Inc.

PLEASE TAKE NOTICE that the defendant, Red Wolf Logistics, LLC (hereinafter referred to collectively as “Defendant” or “Red Wolf”), herein files and submits this Notice of Removal from State Court to Federal Court in the above matter.

The Notice of Petition for Removal is also being filed with the Superior Court of New Jersey – Special Civil Division – Atlantic County, pursuant to 28 U.S.C. §1331; 28 U.S.C. §1332; and 28 U.S.C. §1446 (d).

A motion to remove the case from New Jersey State Court to Federal Court will be filed after the Federal Court assigns this matter a Civil Action Number.

CIPRIANI & WERNER, P.C.



MARC R. JONES, ESQUIRE (NJ#016022001)
Attorneys for Defendant – Red Wolf Logistics, LLC
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DATED: August 5, 2021

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FOR THE DISTRICT OF NEW JERSEY
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BMW AUTO SALES, INC.,

Plaintiff,

v.

RED WOLF LOGISTICS, LLC; JOHN DOE(S)
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Third Party Defendant(s).

Civil Action No.:

NOTICE OF REMOVAL FROM STATE COURT TO FEDERAL COURT

Petitioner/Defendant, Red Wolf Logistics, LLC (hereinafter referred to collectively as “Defendant” or “Red Wolf”), hereby files the within Notice of Removal to the United States District Court of New Jersey from the Superior Court of New Jersey, Special Civil Division – Atlantic County, and hereby says:

1. This case arises out of an alleged property damage claim to a 2020 Ford Explorer ST that was being transported via trucking auto transport from Grand Prairie, Texas to New Jersey. (**Exhibit “A”**)

2. On or about June 27, 2021, Plaintiff, BMW Auto Sales, Inc. (“Plaintiff” or “BMW”), filed a Complaint as against Red Wolf Logistics, LLC in the Superior Court of New Jersey, Special Civil Division – Atlantic County entitled BMW Auto Sales, Inc. v. Red Wolf Logistics, LLC, et al., under docket number ATL-DC-3454-21. (**Exhibit “A”**)

3. Defendant, Red Wolf, received a copy of the filed Complaint via US Mail on July 12, 2021. (**Exhibit “B”**)

4. Plaintiff is seeking damages to a black 2020 Ford Explorer ST SUV with VIN#: 1FM5K8GC1GA91088 that allegedly occurred while the vehicle was being transported in interstate commerce from Texas to New Jersey on or about May 14, 2021. **(Exhibit “A”)**

5. Plaintiff is domiciled in the State of Delaware with its corporate headquarters located at 2860 Ogletown Road – Bldg (3), Newark, Delaware with a principal place of business located at TMX Finance, 309 E. White Horse Pike, Galloway, New Jersey 08205. **(Exhibit “A”)**

6. Petitioner/Defendant, Red Wolf, is a corporation organized and existing under the laws of the State of Texas with its principal place of business located at 217 North De Costa Street, Fort Worth, Texas 76111. **(Exhibit “A”)**

7. Third Party Defendant, JHD Trucking, Inc. is, upon information and belief, a corporation organized and existing under the laws of the State of Louisiana with its principal place of business located at 20 Terrace Drive, Monore, Louisiana 71202. **(Exhibits “C” and “D”)**

8. The present case is a civil action in which the United States District Court for the District of New Jersey has original jurisdiction by virtue of diversity of citizenship of all of the parties pursuant to 28 U.S.C. §1332.

9. The United States District Court for the District of New Jersey also has subject matter jurisdiction because this case involves allegations of damages incurred during the transport/shipment of an item in interstate commerce that falls within the purview of the federal “Carmack Amendment” pursuant to 49 U.S.C. §11706; 48 U.S.C. §14706; and 28 U.S.C. §1446 (d).

10. Plaintiff’s alleged damages exceed \$10,000.00 making this matter ripe for removal to federal court under the Carmack Amendments. *See* 49 U.S.C. §11706; 48 U.S.C. §14706. **(Exhibit “A”)**

11. Also, pursuant to 28 U.S.C. §1332 (a) (3), this case involves parties who are all citizens of different states.

12. In accordance with the applicable Federal Rules of Civil Procedure and/or Federal Statutes, specifically 28 U.S.C.S. §1446 (b), this Notice of Removal has been filed within (30) days after

the Petitioners/Defendants received notice of Plaintiff's Complaint. *See Granovsky v. Pfizer, Inc., et al.*, 631 F.Supp.2d 554, 559 (D.N.J. 2009).

13. Accordingly, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1446, this matter is a civil action that may be removed by the Petitioners from State Court to the United States District Court for the District of New Jersey over which the federal court has original and subject matter jurisdiction.

14. A copy of the Defendants' answer to the Complaint is attached hereto as **Exhibit "E"** and will be filed separately.

WHEREFORE, Petitioner/Defendant, Red Wolf Logistics, LLC, hereby respectfully requests that the aforementioned civil action commenced against them by Plaintiff be removed to the United States District Court for the District Court of New Jersey for all further proceedings.

Respectfully submitted,

CIPRIANI & WERNER, P.C.



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